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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

10 UNITED STATES OF AMERICA, CASE NO. 5:03-cr-20033 JW

11 v. Plaintiff(s), **ORDER DENYING DEFENDANT'S**  
12 **MOTION TO REDUCE OR MODIFY**  
13 **SENTENCE**

14 JERRY ESTEBAN,

[Docket Item No(s). 79]

15 Defendant(s).  
\_\_\_\_\_/

16 Presently before the court is Defendant Jerry Esteban's ("Defendant") Motion pursuant to 18  
17 U.S.C. § 3582(c)(2) to reduce or modify the term of imprisonment imposed by Judge James Ware in  
18 a Judgment filed September 1, 2004. See Docket Item No. 79. Specifically, Defendant requests an  
19 order directing that the federal sentence of 121 months run concurrently with a state-imposed prison  
20 sentence since Defendant contends that the Monterey County Superior Court granted a similar  
21 motion in October, 2011.

22 Notably, the present motion is Defendant's attempt to obtain the very same relief,  
23 Defendant's first motion having been denied by this court on July 10, 2012. See Docket Item No.  
24 75. Plaintiff's request for clarification of that denial was also denied on August 20, 2012. See  
25 Docket Item No. 78. Although Defendant has now clarified the specific provision of § 3582 upon  
26 which he relies, the court nonetheless finds that this motion should be denied for the same reasons  
27 explained in the order addressing the prior request.

28 Accordingly, Defendant's Motion is DENIED. Since this is now the third instance that the

**United States District Court**

For the Northern District of California

1 court has addressed this matter, no motions for reconsideration, clarification, or modification of this  
2 denial shall be filed or entertained by Defendant.

3 **IT IS SO ORDERED.**

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5 Dated: October 23, 2012

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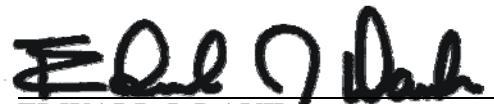
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EDWARD J. DAVILA  
United States District Judge